

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2015-125712-001 DT

11/02/2017

HONORABLE DOUGLAS GERLACH

CLERK OF THE COURT
M. Mogel
Deputy

STATE OF ARIZONA

RICHARD E SERDEN
STANLEY J MARKS

v.

JEOPREY MUTINDA KAVU (001)

DIEGO RODRIGUEZ
MICHAEL S REEVES

PRETRIAL SERVICES AGENCY-CCC

TRIAL MINUTE ENTRY
DAY TWO

Prior to commencement of today's proceeding, State's exhibits 1-60 are marked for identification.

Courtroom SCT 7D

State's Attorney:	Richard Serden
Defendant's Attorney:	Diego Rodriguez and Michael Reeves
Defendant:	Present

Court Reporter, Monica Hill-Morrisette, is present.

A record of the proceedings is also made digitally.

10:37 a.m. Trial to jury continues from 11/01/2017.

The first jury panel is not present.

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Discussion is held regarding preliminary jury instructions and juror 76.

The parties have no objection to juror 76 remaining on the panel.

10:44 a.m. The second jury panel is now present.

The prospective jurors for the second panel are sworn and voir dire examination commences.

Counsel approach the bench and discuss matters, on the record, out of hearing of prospective jurors.

Prospective jurors 61, 62, 63, 64, 66, 67, 72, 80, 81, 82, 83, 86, 95, 97, 98, 100, 102, 106, 107, 108, 111, 112, 116, and 119 are excused.

11:23 a.m. The second jury panel is excused from the courtroom and instructed to return at 1:30 p.m. Court remains in session.

Discussion is held regarding a Stipulation of Facts submitted by the parties and exhibits.

FILED: Stipulation of Facts

Upon stipulation of the parties,

State's exhibits 1, 3, 5, 7, 9, 11, and 13-60 are received in evidence.

State's exhibits 2, 4, 6, 8, 10, and 12 are received in evidence for demonstrative purposes only (not to be given to the jury during deliberations).

11:27 a.m. Court stands in recess.

1:42 p.m. Court reconvenes with respective counsel and defendant present.

Court Reporter, Monica Hill-Morrisette, is present.

A record of the proceedings is also made digitally.

The jury panel is present.

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Voir dire examination of the prospective jurors continues.

Counsel approach the bench and discuss matters, on the record, out of hearing of prospective jurors.

Voir dire examination of the prospective jurors continues.

Counsel approach the bench and discuss matters, on the record, out of hearing of prospective jurors.

Voir dire examination of the prospective jurors continues.

2:51 p.m. Court stands in recess.

3:02 p.m. Court reconvenes with respective counsel and defendant present.

Court Reporter, Monica Hill-Morrisette, is present.

A record of the proceedings is also made digitally.

Voir dire examination of the prospective jurors continues.

3:37 p.m. The jury panel is excused from the courtroom and instructed to return at 4:15 p.m. Court remains in session.

Discussion is held regarding jurors 90 and 96.

Juror 96 is excused from further consideration of this cause.

Juror 90 enters the courtroom and individual voir dire is conducted.

Juror 90 is excused from the courtroom.

Discussion is held regarding prospective jurors.

Jurors 43, 92, 99, 101, 105, 114, 109, 104, 75, and 23 are excused.

Counsel pass the panel.

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Preliminary Jury Instructions are discussed and settled.

4:05 p.m. Court stands at recess and counsel exercise their peremptory challenges.

4:24 p.m. Court reconvenes with respective counsel and defendant present.

Court Reporter, Monica Hill-Morrisette, is present.

A record of the proceedings is also made digitally.

The jury panel is not present.

Defense counsel moves the court for a *Batson* challenge as to jurors 18 and 50.

Said Motion is argued to the court.

THE COURT FINDS that there is sufficient cause to strike jurors 18 and 50.

4:28 p.m. The jury panel is now present.

Fifteen (15) persons are selected and sworn to act as trial jurors in this cause.

The Preliminary Instructions are read to the jury by the court.

FILED: Preliminary Instructions.

The Indictment is read to the jury by the Clerk and the pleas of the defendant are made known to them.

4:53 p.m. The jury is given admonition and excused from the courtroom. Court remains in session.

Defendant makes an oral Motion to Allow Juror Biographies out of the Courtroom.

IT IS ORDERED granting the Motion to Allow Juror Biographies out of the Courtroom.

IT IS FURTHER ORDERED the juror biographies shall not be disseminated to anyone other than counsel for the defendant. No copies shall be made or provided to the defendant or anyone else. The materials shall not be disclosed to the public and may only be disclosed to others to the extent necessary for the proper conduct of this case.

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Defense counsel informs the court that a formal Notice of Appearance has not been filed in this cause.

IT IS ORDERED accepting the oral Notice of Appearance of Michael Reeves as counsel of record for the defendant for all further proceedings.

4:57 p.m. Court stands in recess to reconvene on 11/02/2017 at 10:30 a.m. in this division.